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COMMITTEE ON THE ELIMINATION
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Thirty-ninth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Eleventh periodic reports of States parties due in 1990

Addendum

URUGUAY */

[19 December 1990]

1. The following single document contains the eighth, ninth, tenth and eleventh reports of Uruguay to the Committee on the Elimination of Racial Discrimination covering the period from 1986 to 1990.

2. Our country has a long tradition of liberal political thinking, which considers man to be the essential and central element of a democratic system. This way of thinking does not accept the idea that there are values over and above those of the individual to which they may take second place.

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*/ The present report constitutes the eighth, ninth, tenth and eleventh periodic reports of Uruguay, due on 5 January 1984, 5 January 1986, 5 January 1988 and 5 January 1990 respectively, combined in a single document.

For the sixth and seventh periodic reports submitted by the Government of Uruguay and the summary records of the meetings of the Committee at which those reports were considered, see:

Sixth periodic report - CERD/C/66/Add.20 (CERD/C/SR.517);
Seventh periodic report - CERD/C/91/Add.9 (CERD/C/SR.579).

3. The principle of equality, established in article 8 of our Constitution, provides a clear example of liberality and comprehensiveness and total rejection of any form or act of discrimination.

4. The population of Uruguay is comprised of an ethnically, culturally, educationally, religiously and linguistically homogeneous group of human beings whose numbers have been swelled by successive waves of immigration in the nineteenth and twentieth centuries to form a society in which no cases of racial discrimination have ever been reported.

5. Let us therefore analyse the legislative framework that guarantees this principle of equality.

A. Fundamental legal principles

1. At the national level

6. Article 8 of our Constitution, mentioned above, stipulates the following: "All persons are equal before the law, no other distinctions being recognized among them save those of talent and virtue".

7. We shall analyse this constitutional provision in detail, since the Committee, at previous sessions, expressed doubts as to its present effectiveness.

8. Among the earliest forerunners of this article, mention should be made of the Act of 7 September 1825, in which, barely a month after the country's declaration of independence, the representatives of the new State prohibited the slave trade and declared all persons to be born free in the territory of the Republic, in order to "avoid the outrageous inconsistency whereby the very peoples who proclaim and support human rights would continue to subject the children of slaves to the barbarous condition of slavery...".

9. Subsequent laws reaffirmed these principles, culminating in article 132 of our first Constitution in 1830, which established "the equality of all men before the law".

10. This concept of equality, which is maintained in our current Constitution (freely approved by the citizens in 1967), is completely comprehensive. Equality is conceived to be a right, in a framework of identical opportunities and conditions allowing all citizens, with no distinction whatsoever, to develop their talents and virtues.

11. In fulfilment of the provisions of article 4 of the International Convention on the Elimination of Racial Discrimination, and in response to recommendations made on previous occasions by members of the Committee, the country's executive and legislative branches set about the task of drafting a set of rules laying down criminal penalties for specific types of behaviour involving acts of discrimination.

12. These efforts led to the promulgation of Act No. 16,048 of 16 June 1989, whose articles have been incorporated into the Penal Code and whose article 149 **bis** (incitement to hatred, derogatory behaviour or violence towards specific persons) states the following: "Anyone who publicly or by any other means likely to lead to public dissemination incites to hatred,

derogatory behaviour or any other form of moral or physical violence against one or more persons on the grounds of the colour of their skin, their race, religion or national or ethnic origin shall be liable to 6 to 18 months in prison". For the commission of the offence itself, this provision imposes penalties of 6 to 24 months in prison.

13. Our country believes that with this Act, it fully complies with its obligations under the Convention. It should also be stressed that Uruguay can state with pride that no act has ever occurred in its territory that could lead to charges relating to any of the offences mentioned above.

14. We should also mention another provision relating to non-discrimination, but in reference to the prison system, namely, article 8 of Decree Law No. 14,470 of 11 December 1975, which states: "Prisoners shall be treated with strict impartiality, with no distinctions whatsoever between them on the basis of colour, race, religion, political affiliation, language, origin, social and economic position or any other similar conditions".

2. At the international level

15. In the international sphere, Uruguay has acceded to the main agreements, adopted on human rights, whether through the United Nations or through the Latin American regional system. These include:

(a) Convention on the Prevention and Punishment of the Crime of Genocide, ratified by our country on 11 July 1967;

(b) International Covenant on Economic, Social and Cultural Rights, ratified by Uruguay on 1 April 1970;

(c) American Convention on Human Rights (Pact of San José, Costa Rica), through Act No. 15,737 of 8 March 1985;

(d) International Convention against Apartheid in Sports, which entered into force in Uruguay through Act No. 15,892 of 2 September 1987;

(e) Finally, our country has signed the International Convention on the Suppression and Punishment of the Crime of Apartheid, which is currently in the process of parliamentary approval.

16. Among the measures which Uruguay has taken as part of the world-wide condemnation of those régimes that have established systems based on racial discrimination and apartheid are the following:

(a) Instructions given to Republic's consulates to seek explicit authorization from the Ministry of Foreign Affairs before issuing visas to South African citizens;

(b) Refusal, as appropriate, to issue visas to South African citizens wishing to participate in athletic and cultural events to be held in the Republic;

(c) Recommendation to Uruguayan athletes not to participate in such events taking place in South Africa;

(d) It should also be pointed out that in recent years our country has followed a consistent policy of establishing diplomatic relations with African States. Relations have been entered into with Angola, Senegal, Gabon and Côte d'Ivoire, and further political action is currently being considered to this end;

(e) Our Ministry of Foreign Affairs has organized international events in the country in connection with the struggle against apartheid, such as the international seminar against apartheid held in Montevideo from 4 to 6 December 1986.

17. Finally, it should be added the Republic's policy of condemnation in all matters relating to any political régime based on discrimination, especially one that establishes a system such as apartheid - a practice which the international community has declared to be an international crime - has been clearly and precisely expressed in all international bodies.

B. Articles 5 and 6 of the Convention as they relate to our Constitution

18. Regarding all matters relating to the rights set forth in the articles in question, we should like to point out that these rights are provided for in our Constitution and enforced in terms that are even broader than those set forth in the Convention.

C. Conclusion

19. Finally, it should be noted that in the sphere of education, the basic and essential pillar of our society, rules have been issued for the promotion of equality and tolerance among pupils. Our system of education, which is secular, free and compulsory, guarantees the inhabitants of our country access to education at all levels; primary, secondary and university, a policy which has earned Uruguay one of the lowest illiteracy rates in the world.

20. More recently, Act No. 15,739 of 25 March 1985 provided that one of the tasks of the National Public Education Administration was: "to devote special attention to forming pupils' moral and civic character, defending moral values and the principles of liberty, justice, social welfare, the rights of the individual and the democratic republican form of government and developing in pupils the proper capacity and aptitude to fulfil their civic and social responsibilities, in order to eliminate all forms of intolerance". This is the basis for democratic co-existence.

21. Our country believes in democratic co-existence and firmly rejects all acts of discrimination, especially those based on racial grounds, which have no place in our society.